## BEFORE THE DEPARTMENT OF WATER RESOURCES

## OF THE STATE OF IDAHO

) ORDER GRANTING RANGEN INC.'S PETITION TO INTERVENE
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On August 1, 2007, the Director of the Department of Water Resources ("Director" or "Department") issued an order in the above-entitled matters setting a combined hearing and prehearing schedule in accordance with a stipulation of the parties providing for a hearing to commence on November 28, 2007. Order Approving Stipulation and Joint Motion for Rescheduled Hearing at 2 ("August 1 Order"). In accordance with the terms of the August 1 Order, four of the five parties specifically agreed "not to oppose intervention by other water users who are not parties for the purpose of presenting briefs and argument on common issues of law... This non-opposition is conditioned upon those intervening water users accepting the designated hearing officer and the schedule addressing those issues of law." August 1 Order at 2.

The Idaho Dairymen's Association was the only party to the August 1 Order that did not expressly join the intervention and non-opposition portion of the order: "IDA joins in paragraphs 3 and 4 of the Stipulation, and takes no position with respect to the balance of the Stipulation concerning the proposed amended hearing schedule." *Id.* at 1.

On August 9, 2007, Rangen, Inc. ("Rangen") filed its *Petition to Intervene* ("Petition") with the Department pursuant to Rule 350 of the Department's Rules of Procedure. IDAPA 37.01.01.350. No party objected to the Petition within the seven (7) days provided under Department Rule of Procedure Rule 354. Rangen noticed up its Petition for hearing on August 28, 2007. No party objected to the granting of the Petition. In its Petition, Rangen asserts that it

Petition for hearing on August 28, 2007. No party objected to the granting of the Petition. In its Petition, Rangen asserts that it "holds a number of water rights with a source in the Martin-Curren Tunnel, a spring that is part of the Thousand Springs complex." *Petition* at 1. Additionally, Rangen previously filed a delivery call with the Department that was denied, based on futile call, but it has not had an opportunity for a hearing, although a hearing was requested. In its Petition, Rangen specifically states "that it will not object to the hearing officer appointed by the Director on August 1, 2007," and that it "agrees that it will not seek a continuance of the schedule" as set forth in the parties' stipulation and adopted by the Director. *Id.* at 1-2.

## **ORDER**

Based upon and consistent with the foregoing, IT IS HEREBY ORDERED that Rangen, Inc.'s *Petition to Intervene* is GRANTED in accordance with the terms established in the Director's August 1, 2007 *Order Approving Stipulation and Joint Motion for Rescheduled Hearing*, as well as Rangen's express agreement not to object to the appointed hearing officer and not to seek a continuance of the hearing schedule.

Dated this 29 day of August, 2007.

Gerald F. Schroeder Hearing Officer

I HEREBY CERTIFY that on this day of August 2007, the above and foregoing, was served by the method indicated below, and addressed to the following:	
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